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Attorneys for Plaintiffs AJW Partners, LLC, AJW Offshore Ltd.,  
AJW Qualified Partners, LLC, and New Millennium Capital Partners II, LLC

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

AJW PARTNERS, LLC, AJW OFFSHORE, LTD,  
AJW QUALIFIED PARTNERS, LLC, and NEW  
MILLENNIUM CAPITAL PARTNERS II, LLC,

Plaintiffs,

-against-

CYBERLUX CORPORATION and  
DONALD F. EVANS,

Defendants.

Case No. 07-CV-8367

ECF CASE

NOTICE OF MOTION

PLEASE TAKE NOTICE that the undersigned, attorneys for plaintiffs AJW Partners, LLC, AJW Offshore Ltd., AJW Qualified Partners, LLC, and New Millennium Capital Partners II, LLC, shall move this Court, at the United States Courthouse for the Southern District of New York, 500 Pearl Street, New York, New York, 10007-1312, at a time and date to be designated by the Court, for an Order pursuant to 28 U.S.C. § 1447(c) remanding this action to New York State Supreme Court, New York County.

PLEASE TAKE FURTHER NOTICE that plaintiffs AJW Partners, LLC, AJW Offshore Ltd., AJW Qualified Partners, LLC, and New Millennium Capital Partners II, LLC shall rely upon the pleadings in this matter, the Notice of Removal filed September

25, 2007, the Declaration of Jack M. Kint, Jr., the exhibits thereto, which include the Declarations of Corey Ribotsky, with exhibits, and the Declaration of Gary Post, both filed previously in the action styled *Cyberlux Corporation v. AJW Partners, LLC, et al.*, Civil Action No. 07 CV 7808 (S.D.N.Y.), and the accompanying memorandum of law.

PLEASE TAKE FURTHER NOTICE THAT pursuant to Rule 6.1(b) of the Local Civil Rules of the United States District Court for the Southern District of New York, all papers in opposition to the motion must be served on the undersigned within ten business days after service of these papers.

Dated: October 5, 2007

OLSHAN GRUNDMAN FROME  
ROSENZWEIG & WOLOSKY LLP

By: /s/ Thomas J. Fleming  
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